

JEFFERSON COUNTY COMMISSIONERS  
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
October 28, 2008**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Caroleen Vaughan, Ellen Rae Thiel, Shirley Rogers, Roland Benson, Jim and Judy Connole, Tillo and Joan Forcella, Robert Everly

**CALENDAR REVIEW**

10/29 Meet with Melissa regarding roads - 9:00  
10/30 Clancy Library subcommittee - 6:00  
11/04 Holiday - County Offices closed

**COMMISSION REPORTS**

**UNION**

Commissioner Weber reported that he met with Cyd Kreizwald, County Librarian, on Friday. She is concerned with Library Board's vote to request unit clarification on the librarian's positions. We as a county agreed not to open any unit clarifications until the contract was open for discussion and negotiation.

**LOCAL EMERGENCY PREPAREDNESS COMMITTEE**

Commissioner Weber reported that he attended the LEPC meeting that morning. They had a presentation from Bruce Suenram regarding the planning that needs to be done between Jefferson County and the City of Helena in regards to the wildland-urban interface. They discussed evacuation plans, which will be a concerted effort between Jefferson County, Lewis and Clark County, the City of Helena, DNRC and the Forest Service. Commissioner Lythgoe stated that Tri-Co Fire is doing the same thing. Commissioner Weber stated that this is being done through Tri-Co Fire.

**CORRESPONDENCE**

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A contract for the continuation of WIC services with Broadwater County was presented for signature.

### **SUBDIVISION REVIEW**

#### **DISCUSS AND DECIDE ON REQUEST FOR ZONING VARIANCE ON LOT SIZE IN SECTION 9 T9N R3W – ROLAND BENSON PROPERTY**

Harold Stepper, County Planner, presented his staff report on the request for a zoning variance. The applicant would like to split lot 1 of the Southern Exposure minor subdivision which contains approximately 8 acres into two lots containing approximately 4 acres. The property for which the variance request has been submitted lies within the medium density residential zoning, which requires a 5 acre minimum. At the time the subdivision was platted however, interim zoning was in place with a 4-acre minimum lot size. Harold recommended that the variance for lot size be granted.

Commissioner Lythgoe moved to grant the variance. Commissioner Notbohm seconded. The motion carried.

#### **REQUEST FOR EXTENSION OF SUBDIVISION IMPROVEMENT AGREEMENT – JEFFERSON ACRES MAJOR SUBDIVISION**

Mike Hoffman, County Planner, presented the Commission with a request for the extension of a subdivision improvement agreement for the Jefferson Acres Major subdivision. Mike recommended that the one-year extension be granted. Commissioner Lythgoe moved to grant the requested time extension. Commissioner Notbohm seconded. The motion carried.

#### **PRELIMINARY PLAT REVIEW – FORCELLA MINOR SUBDIVISION**

Mike Hoffman, County Planner, presented his staff report on this one-lot split located south of Whitehall. The parcel contains 96.93 acres, and is proposed to be divided into two tracts, 7.57 acres and 89.36 acres in size. The developer has contacted the volunteer fire department, and will provide an easement for access to a water supply. Mike recommended that preliminary plat approval be granted. Commissioner Weber asked where the easement for the water access will be located. Mike stated that it hasn't been designed on this plat. His understanding is that the fire department accesses water directly from the County road, but he conditioned this in the event that this is not the case.

Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

#### **FINAL PLAT REVIEW – DEER RUN MINOR SUBDIVISION**

Mike Hoffman, County Planner, presented his staff report on this five-lot subdivision located north of Montana City. The parcel contains 10.04 acres, proposed to be split into five tracts ranging in size from 1.76 to 2.30 acres. A conditional use permit has been granted to allow for a

change from four lots to five lots. The developer has agreed to a \$1,000-per-lot voluntary payment to the Montana City school district and will make a cash-in-lieu of water supply payment in the amount of \$1,397.07 to the Montana City Fire District. Mike recommended that final plat approval be granted. Commissioner Lythgoe moved to grant final plat approval. Commissioner Weber seconded. The motion carried.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **DISCUSS AND DECIDE ON MUSEUM BOARD REORGANIZATION RESOLUTION AND REDUCTION OF MEMBERSHIP TO FIVE**

Commissioner Notbohm stated that Matt worked with the chair of the board regarding the initial setup of the board. Commissioner Weber read letters submitted by some members of the museum board, regarding the reduction of membership of the board. Letters from Sheila Hogan, Sherry Carlson, Ellen Rae Thiel and George Aamen were received and read (on file in the Clerk and Recorder's office). Commissioner Notbohm stated that these recommendations would pretty much cover the restructuring. The board is hoping to go for their own mill levy in two years, and he would recommend the restructuring.

Caroleen Vaughan asked if the Commission is aware that she recruited Sheila Hogan to the board. Commissioner Weber stated that he is not aware of that. Caroleen asked if the Commission is aware that she recruited Terry Sexton to the board. Commissioner Weber said that he is aware of that. Caroleen asked if the Commission is aware that the board has asked herself, Ellen Rae and Sheila to work on both the resolution and the by-laws. Commissioner Weber stated that he was not aware of that.

Commissioner Weber further stated that Caroleen has been instrumental in our efforts for Preserve America and things related to the State Historical Preservation Office. He wanted to acknowledge and thank her for those efforts, and he hopes that she will continue with these efforts which she has such a passion for, no matter what the outcome of today's meeting. Commissioner Notbohm stated that he too would like to thank Caroleen for her involvement with the board. He noted that she could apply for another board, where she might feel more comfortable.

Commissioner Notbohm moved to approve the reorganize of the Museum Board. Commissioner Lythgoe seconded. The motion carried.

### **RESOLUTION 40-2008 PROVIDING FOR THE REORGANIZATION OF THE MUSEUM BOARD**

Commissioner Weber read the resolution as follows:

#### **RESOLUTION 40-2008**

**A RESOLUTION PROVIDING FOR REORGANIZATION OF THE JEFFERSON  
COUNTY MUSEUM AND CULTURAL PRESERVATION BOARD**

**WHEREAS**, The Board of County Commissioners has authority to create and amend resolutions pertaining to administrative boards, districts, and commissions pursuant to MCA §7-1-201;

**WHEREAS**, the Jefferson County Museum Board has been in existence for an unknown period of time; and

**WHEREAS**, the Board of County Commissioners has determined that it is appropriate and desirable to provide all County boards with clarification as to organization, membership, terms, authority, rules and responsibilities of the board and its department;

**WHEREAS**, the Board of County Commissioners has further determined it is appropriate and desirable to continue a museum board pursuant to the provisions of Title 7, Chapter 16, Part 22, MCA;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**1)** The purpose of the County Museum and Cultural Preservation Board shall be to preserve and promote culturally and historically significant sites and heritage throughout the county to cooperate and assist in establishing and maintaining any museums in Jefferson County.

**2)** The Museum and Cultural Preservation Board shall consist of five (5) members appointed by the Board of County Commissioners. New members shall be selected from all of the three commission districts within Jefferson County to reflect as equal a geographic representation as possible. All members of the County Museum and Cultural Preservation Board shall be residents of Jefferson County. The Commission shall determine which members to remove in order to reduce the board from its previous seven (7) member board.

One member of the Jefferson County Commission shall serve as an ex officio, non-voting member of the Museum and Cultural Preservation Board.

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**3)** The terms of the Museum and Cultural Preservation Board members shall be staggered three (3) year terms on the Board.

**4)** All citizen appointees on the Museum and Cultural Preservation Board shall serve at the discretion of the County Commissioners and may be removed by a majority vote of the County Commissioners.

**5)** The Museum and Cultural Preservation Board shall set a regularly scheduled meeting day and time and shall meet at least six times per year. If there is no business to come before the Board, the chair may cancel the regularly scheduled meeting with at least forty-eight (48) hours public notice, if possible. Scheduled meetings require at least (48) hours public notice, though the Board is requested to follow the County policy on open meetings and notification.

**6)** Board members shall be entitled to mileage and expenses in accordance with established state rates for attendance at Board meetings and conducting official Board business.

**7)** The Museum and Cultural Preservation Board shall elect from its members a chair and a vice-chair. A majority of members shall constitute a quorum. The Museum and Cultural Preservation Board may adopt by-laws to this resolution so long as they do not conflict with county policies and procedures.

**8)** The Museum and Cultural Preservation Board may, upon approval of the Board of County Commissioners, employ a secretary to the board and such other qualified staff as it finds reasonable and necessary. The Board shall be responsible for the supervision of their staff, though the Commission or the County Personnel Officer shall be consulted prior to any disciplinary action. The Museum and Cultural Preservation Board, with the approval of the Commission or

the County Personnel Officer, may designate certain of its staff to supervise others on the staff. The County Commission reserves authority to hear personnel appeals and/or overturn any decisions.

**9)** The Museum and Cultural Preservation Board employees shall be subject to all personnel policies as adopted by the Board of County Commissioners. Additional policies may be adopted by the Museum and Cultural Preservation Board specific to its operation, provided that they do not conflict with those in effect for the entire county.

**10)** Pursuant to Title 22, Chapter 3 MCA, the Museum and Cultural Preservation Board also shall:

- (a)** manage heritage properties, historical sites and antiquities owned by Jefferson County;
- (b)** identify privately owned heritage properties and paleontological remains and register those in need of protection;
- ( c)** preserve and protect any property or object donated or loaned to Jefferson County that has intrinsic historic, artistic, scientific or cultural value as outlined n Title 22, Chapter 3 MCA;
- (d)** encourage the restoration, preservation, and maintenance of historic sites and buildings and heritage properties throughout Jefferson County and otherwise assure the compliance of Jefferson County with the provisions of Title 22, Chapter 3 MCA.

**11)** The Museum and Cultural Preservation Board shall make recommendations and reports to the Board of County Commissioners as requested by the commissioners or at such other times as the need arises and shall be responsible for keeping an accurate and complete record of all Museum and Cultural Preservation Board proceedings, regulations, contracts, finances and activities and shall assure that all state and federally mandated requirements and standards for the

preservation of cultural and historical properties are met. All contracts shall be reviewed by the County Attorney before signing.

**12)** Museum and Cultural Preservation Board decisions concerning the following actions shall not take effect until approved by the Board of Commissioners:

**(a)** the determination of wages and salaries to be paid to employees of the Museum and Cultural Preservation Board;

**(b)** the acquisition by lease, purchase, or otherwise, and the disposition by lease, purchase, or otherwise, and the disposition by lease, purchase or otherwise; of real property by the Museum and Cultural Preservation Board, or by operation equipment in excess of \$2,500.00, not previously approved in the budget process;

**(c)** entrance into interlocal government agreements or contracts for servicing and financing.

**13)** The Museum and Cultural Preservation Board shall be responsible to prepare and administer a budget for the board, the museum and any other related projects which it establishes and may request the Board of County Commissioners to authorize up to two mills as provided for in MCA §7-16-2205. No budget shall be considered final unless it has been adopted by the Board of Commissioners after public hearing and an annual budget adoption pursuant to MCA §7-6-4030.

**14)** The Museum and Cultural Preservation Board shall provide to the Board of County Commissioners a register of membership with addresses and phone numbers, including a designation of officers, dates, times, and places of regularly scheduled meetings. The chair shall assure that all county resolutions pertaining to open meetings, agendas, and notices are followed by the Museum and Cultural Preservation Board. Minutes of each meeting shall be filed with the Clerk and Recorder's Office.

15) All purchases of equipment and/or services or sales of equipment and/or services by the Museum and Cultural Preservation Board must comply with Jefferson County's Purchasing Policy.

Done and dated this 28<sup>th</sup> day of October, 2008.

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

Commissioner Notbohm moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

**ACCEPT PETITION TO CLOSE AND ABANDON PORTION OF SPRING STREET AND  
APPOINT VIEWER**

Commissioner Weber read a memo from Bonnie Ramey, Clerk and Recorder, certifying the petition to close a portion of Spring Street in Jefferson City. This closure would allow for the improvement and expansion of the Solid Waste Transfer Site in Jefferson City. He believes that the Fire Department has agreed to sell the land to the Solid Waste Board for \$1, if this goes through.

Commissioner Weber moved to accept the petition and to appoint Commissioner Notbohm and Joe Carter as viewers. Commissioner Lythgoe seconded. The motion carried.

**APPOINT FIRE TRUSTEE**

Commissioner Weber read a letter from Donald Kronenberger of the Jefferson Valley Rural Fire District (on file in the Clerk and Recorder's office) requesting that John Spaulding be appointed as a fire trustee to fill the term of Jim Miller, who is no longer able to attend meetings due to a new work schedule.



Commissioner Lythgoe moved to appoint John Spaulding as a trustee to the Jefferson Valley Rural fire District.

DISCUSS CHANGING COMMISSION MEETING DAY TO THURSDAY, PER REQUEST FROM *WHITEHALL LEDGER*

Commissioner Weber read a letter from Greg Corr, owner of the *Whitehall Ledger* (on file in the Clerk and Recorder's office), requesting that the Commissioners change their meeting day to Thursday, so that he would be able to attend the meetings and report first-hand. Commissioner Weber stated that he contacted Greg to let him know that the Commission received his letter and that this issue would be on the agenda.

Commissioner Notbohm stated that this has been discussed numerous times in the past. There were many reasons why they weren't able to change. He also seems to remember that Jan Anderson had a problem with this. Jan stated that she came to the Commission every year in January for several years asking that the meeting be changed from Tuesday to Thursdays. The Commission did eventually do that for a while, but it came at a time when she was very busy on the north end of the county getting the *Courier* up and running, so she was unable to make it to many meetings. The Commissioners eventually changed the meeting day back to Tuesday when the Thursday meeting conflicted with too many other meetings. Currently, it makes no difference to her in being able to attend the meetings, but it may serve the public better in that she will be able to report on a meeting and the public could read about it before the next meeting is held.

Commissioner Weber stated that he got a call from Marga Lincoln of the *Helena Independent Record* stating that she is opposed to moving the meeting to Thursdays, as that is her deadline for the Neighbors section. She acknowledged that she hasn't been able to get to many meetings as there have been budget cuts.

Commissioner Lythgoe asked if it has to be an afternoon meeting; could it be held in the morning. Commissioner Weber stated that the Commission would set the meeting time, so it could be a morning meeting. A discussion of Thursday meetings followed; Commissioner Lythgoe noted that he has four Thursday meetings and Commissioner Weber stated that he has several also. Commissioner Lythgoe called Greg and asked how a Thursday morning meeting would work for him. (Greg's response???) Commissioner Lythgoe stated that afternoon makes sense, or the meeting will be running into the lunch hour; they wouldn't want to start the meetings any earlier than 9:30. Commissioner Weber stated that Thursday, traditionally, is for all of them the heaviest meeting day. He stated that it has been a source of frustration of people in the south end that there is no reporter here. Various options have been discussed, but nothing feasible has been decided.

Commissioner Lythgoe asked Jan if Thursday would be better for her; Jan said that it wouldn't be better for her, but it would be for the public. Commissioner Notbohm noted that it always could be changed on a trial basis. Commissioner Lythgoe said that he thinks changing the day is a good idea; they should try to get the other meetings that they attend changed to a different day. Commissioner Weber stated that this is on the following week's agenda for a decision, so they will all have a week to make some calls and see what can be done. Commissioner Lythgoe noted that the other meetings are once-a-month, so they could always do the agendas to allow for one

Commissioner to be absent. He stated that it has always bothered him that people don't get their paper before the meeting; Jan stated that it has helped for the Commissioners to slow down the process somewhat, discussing one week and making the decision the following week.

#### DISCUSS AND DECIDE ON TITLE I, II AND III ALLOCATION

Commissioner Weber stated that Congress has signed into law a new formula for Secure Rural Schools (SRS) funds and how they are used. It increases our funding level significantly, but to use the Title II monies we will either have to form or join an existing Resource Advisory Council (RAC); the closest is the Madison/Beaverhead RAC. He has approached them on their willingness to allow Jefferson County to join and he has not heard back yet. One of the things that drastically changes is that last year we got \$192,233.00; this year, if we choose to take a percentage we would get \$79,031.00. However, if we agree to form a RAC or join a RAC, we would get \$523,908.00 this year. Commissioner Lythgoe quipped that this is a tough choice. Commissioner Weber said that it seems pretty obvious which direction to take. He noted that the funding level will decrease each year for the next five years, but we would still be getting almost twice more than we did last year. He stated that it seems like a huge penalty to us if we do not form or join a RAC; we do not need to form or join by the November 3 deadline, but we do need to specify what we are going to do. If we don't let them know by the deadline, it will be assumed that we chose the 25% payment.

The Commissioners discussed the percentages that will be allocated to each title. Commissioner Weber stated that we are allowed to put between 15 and 20% into Titles II and III, with no more than 7% going to Title III. Commissioner Lythgoe noted that this would be about the same amount of money going to Title III as before. Commissioner Weber stated that the one caveat that they need to consider is that the more that we put into Title II and III, the less that will impact our previous year's payment when they put it into the PILT formula. The more we put into Title II, the less it will come out of our PILT payment. Because of this, it makes sense to give 13% to Title II and 7% to Title III. These two funds are used to do projects on Federal lands. A RAC is made up members from three different groups of people – environmental, recreational, business – five from each group for a total of 15. A discussion of the makeup of the membership followed. Things are unclear at the time, but there is time to research this.

Commissioner Weber stated that he has talked to Dave Schulz, chair of the Madison County RAC. RAC members can wear a variety of hats. Commissioner Notbohm asked about joining an existing, and membership Commissioner Weber answered – Commissioner Lythgoe feeling? Commissioner Weber stated that he hasn't formed a firm opinion yet. We would be very spread out; for one, we have the Helena National Forest and the Beaverhead-Deer Lodge National Forest in Jefferson County. The Madison/Beaverhead RAC only deals with the Beaverhead-Deer Lodge National Forest. Commissioner Lythgoe stated that it makes sense to him that we develop our own RAC. Commissioner Weber stated that in a lot of ways, it does him too.

Commissioner Weber stated that the most significant changes are to the uses for Title III; we still need clarification of what exactly they mean by the new guidelines. The Commissioners discussed the allocation of Title I funds; 2/3 go to the county road department, and 1/3 is divided among schools.

Commissioner Lythgoe stated that there is no question that we need to go with the larger amount.

Commissioner Lythgoe moved that we go for the share of the state payment. Commissioner Weber seconded. The motion carried. Commissioner Weber moved to allocate 7% to Title III and 13% to Title II. Commissioner Lythgoe seconded. Commissioner Notbohm stated that they might want to get some input from those that are already doing this. Commissioner Weber stated that one of the reasons that everyone goes for the maximum, is that it decreases the amount of the PILT payment loss. The motion carried.

#### **DISCUSS AND DECIDE ON FORMING RAC OR JOINING AN EXISTING RAC**

Commissioner Lythgoe moved to form our own RAC rather than joining an existing one. Commissioner Weber seconded. Commissioner Lythgoe stated that he thinks that it is important to take Commissioner Shultz up on his offer to help with the formation of the RAC. Commissioner Weber stated that logistically, it makes sense to form our own. There are pluses and minuses for both. Commissioner Lythgoe stated that it is almost the only thing that we can do; he has been resistant but they have us over a barrel. The motion carried.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Caroleen Vaughan thanked the Commission for the ability to speak. She stated that she was attacked by a dog in the vicinity of the elementary school and the library. A deputy responded and the dog had to be tasered. Because of the number of children in these areas, she asked if there is a requirement to report the incident to the school or library when an incident occurs in vicinity. The Commissioners had no answer, but said that they would look into this and let her know what they find out.

Ellen Rae asked if the new resolution would be mailed to the museum board chair. Commissioner Weber stated that it would be.

Commissioner Lythgoe moved to adjourn. Commissioner Weber seconded. The motion carried.

#### **MEETING ADJOURNED**

#### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**